IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 195 of 1998

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ARVIND POLYSYNTH

Versus

ARVIND MILLS LTD.

Appearance:

MR P.M. THAKKAR for M/S THAKKAR ASSOC. for Appellant No.

MR MAHENDRA P RAVAL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 10/01/2005

ORAL JUDGEMENT

1. The appellant herein has challenged the order passed by the City Civil Judge, dated 25th March 1998 below Application Exh.6 in Civil Suit No.3500/97.

2. Heard Mr.P.M. Thakkar,learned Senior Counsel for the appellant. He submitted that as per the averments

made in Civil Application No.771/99, while granting injunction the trial court has not considered some of the important documents which had come to the knowledge of the appellant subsequently. He further submitted that by granting such an injunction the business of the appellant has come to a standstill and huge loss has caused to the appellant and if the same is allowed to be continued for indefinite period, the loss will be irreparable which cannot be compensated in terms of money.

3. I have gone through the relevant papers on record. The impugned order has been operated for a period of six years and therefore at this stage I do not think it fit to go into the merits of the matter. I am of the opinion that in view of the contentions raised by the appellant, the interest of justice would be served by directing the trial court to dispose of the suit as expeditiously as possible.

4. Thus, in view of the peculiar facts of the case and particularly the subsequent developments which are brought on record by way of Civil Application No.771/99, and also in view of the fact that the impugned order has operated for almost six years, the trial court shall dispose of the suit within a period of three months from the date of receipt of writ of this Court. It is observed that the trial court shall not be influenced by the earlier order passed by the said Court. It is made clear that since the above direction to dispose of the suit is issued, this court has not considered the matter on merits.

5. With the above direction the appeal is disposed of. No order as to costs.

[K.S. JHAVERI, J.]

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